

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

Private Plaintiffs' Response to Defendants' Advisory Regarding Upcoming Elections

On Friday, August 25, 2017, two days after this Court entered its Order Granting Section 2 Remedies and Terminating Interim Order, Doc. 1071, Defendants filed an advisory: (1) identifying upcoming elections for later this month (*i.e.*, August 26) and early next month (*i.e.*, September 9), as well as early voting for those elections that is already underway (*i.e.*, as of August 22 and August 23, respectively), and (2) informing this Court that those elections would be conducted under the interim remedial procedures previously ordered by this Court, Doc. 895, unless this Court determines otherwise. *See* Doc. 1074 at 1-2.

As an initial matter, Texas should have, but did not, immediately inform this Court or Private Plaintiffs of these circumstances after this Court issued its August 23 order, including by asking for a status conference or filing an appropriate pleading and seeking Private Plaintiffs' position with respect to such a pleading. However, under the circumstances, including that early voting is underway for certain elections, elections will occur soon, there is a catastrophic storm facing Texas,¹ and Private Plaintiffs do not wish to burden this Court, Private Plaintiffs urge Texas

¹ *Hurricane Harvey: Storm Roars Ashore Near Corpus Christi, Tex.*, N.Y. Times (Aug. 26, 2017, 6:14 AM updated), <https://www.nytimes.com/2017/08/25/us/hurricane-harvey.html?mcubz=0>

to file a motion with this Court, to which Private Plaintiffs would consent, to stay the effect of its August 23 order *only* for the elections of August 26 and September 9 and the early voting associated with each. Notwithstanding Plaintiffs' consent under these circumstances, the state has sufficient time to implement a full injunction in accord with this Court's August 23 order prior to any future elections, including the November 7, 2017 elections and any early voting associated with it.²

Date: August 26, 2017

Respectfully submitted,

/s/ Leah C. Aden

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CHAD W. DUNN

² Texas Secretary of State, Rolando Pablos, Important 2017 Election Dates, <https://www.sos.state.tx.us/elections/voter/2017-important-election-dates.shtml> (last visited Aug. 26, 2017).

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CERTIFICATE OF SERVICE

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/s/ Leah C. Aden

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